

**Ordinance No. 495**  
**An Ordinance to modify development standards for properties under**  
**the Downtown Gateway (DG) zoning classification**

**WHEREAS**, the Council of the City of New Castle (“Council”) has adopted Ordinance Nos. 477, 478 and 479 thereby establishing the Downtown gateway (DG) Zoning District and associated parking and signage requirements; and

**WHEREAS**, Council deems it necessary and appropriate to: (1) amend the development standards set forth in §230-21.1 (F) of the Zoning Code of the City of New Castle (the “Code”) as they relate to the maximum height of new construction non-residential, mixed use and multi-family buildings; and (2) add certain definitions to §230-1 of the Code.

**NOW, THEREFORE**, be it ordained by the Council of the City of New Castle, as follows:

**SECTION 1:** Section 230-21.1 (F) of the Zoning Code of the City of New Castle is hereby amended to read, in pertinent part, as follows:

**F. Development Standards.** New Construction for non-residential, mixed and multi-family uses shall meet the following requirements:

\* \* \*

(7) **Building Height.** Buildings shall be a maximum of 45 feet. Spires, cupolas, chimneys, parapets, antennas, water tanks, belfries, flag staffs, hose towers or other structures and mechanical apparatus placed above roof level, not intended for human occupancy and necessary for the operation of the permitted use, shall not be included in the measurement of vertical dimensions. Notwithstanding anything in this Chapter to the contrary, for DG zoned non-residential, mixed and multi-family properties located in a federally designated 100 year flood zone, building height shall be measured from the lower of the average finished ground level adjoining the building at exterior walls, or the 100 year base flood elevation taken from FEMA’s current flood insurance rate map data.

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**SECTION 2.** Section 230-1 of the Zoning Code of the City of New Castle is hereby amended to add the following definitions:

**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Except as otherwise set forth in this Chapter, where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the areas between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

**HEIGHT:** The vertical distance from grade plane to the average height of the highest roof surface. Spires, cupolas, chimneys, antennas, water tanks, belfries, flag staffs, hose towers or other structures and mechanical apparatus placed above roof level, not intended for human

occupancy and necessary for the operation of the permitted use, shall not be included in the measurement of vertical dimensions.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

**SECTION 4.** Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

**SECTION 5.** This Ordinance shall become effective immediately upon passage.

First Reading                  June 10, 2014

Second Reading              July 8, 2014

Approved this \_\_\_\_\_ day of July, 2014

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Linda Ratchford

President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

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Janet E. Wurtzel, City Clerk

Approved this \_\_\_\_\_ day of July, 2014

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Donald A. Reese, Mayor